IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of
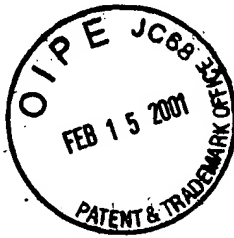
Anderson et al.

Serial No.: 09/009,083

Group Art Unit: 2781

Filed: January 20, 1998

Examiner: Backer, F.

For: QUALIFIED AND TARGETED LEAD SELECTION AND DELIVERY SYSTEM

Honorable Assistant Commissioner of Patents
Washington, D.C. 20231

APPELLANTS' BRIEF ON APPEAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Appellants respectfully appeal the final rejection of claims 1-20 in the Office Action dated November 3, 2000. A Notice of Appeal was timely filed on December 15, 2000, along with a Petition and fee for a One-month Extension of Time. Enclosed herewith and in response to the Office Action dated August 15, 2000, Appellant hereby files a second Amendment under 37 C.F.R. §1.116 which is substantially identical to an after Final Amendment under §1.116 filed on October 16, 2000. Entry of the §1.116 Amendment, filed on October 16, 2000 and only narrowing the issues on Appeal, was denied as indicated by the Advisory Action mailed November 3, 2000. The enclosed second Amendment narrows the issues on Appeal by only canceling dependent claims 7 and 15 and verbatim incorporating them into their respective independent claims.

I. REAL PARTY IN INTEREST

The real party in interest is IBM Corporation, assignee of 100% interest of the above-referenced patent application.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, Appellants' legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-6, 8-14, and 16-20, all the claims pending in the application, are set forth fully in the attached Appendix.

Claims 1-6, 8-14, and 16-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Melchione et al. (U.S. Patent No. 5,930,764) (hereinafter "Melchione").

IV. STATEMENT OF AFTER-FINAL AMENDMENT

An After Final Amendment under §1.116 was filed on October 16, 2000, but <u>entry was</u>

denied as indicated by Advisory Action mailed November 3, 2000. For the reasons discussed below,

a second Amendment under §1.116 substantially identical to the Amendment filed on October 16,

2000 is filed herewith. Entry is expected by the Examiner and/or the Board and is believed proper

under M.P.E.P. under § 706.07 . Therefore, the pending claims as amended in the second §1.116

are set forth in the Appendix.

Specifically, the Examiner, in refusing to enter Appellant's Amendment after final Rejection

dated October 16, 2000, erred. The Examiner erroneously concluded that the limitations added to

independent claims 1 and 14 failed to further limit the claims.

Specifically, the Examiner asserts in the Advisory Action mailed November 3, 2000 (e.g.,

see Continuation Sheet) that the "limitation (sic) added to claims 1 and 14 do not further limit the

claim since they are drawn from canceled claims that were rejected in the previous action. These

limitations can be found in the art used in the previous action". It is noted that upon receipt of the

Advisory Action, the undersigned conducted a teleconference with Examiner Backer on November

21, 2000 requesting reconsideration and entry of the Amendment. The undersigned referred the

Examiner to M.P.E.P. § 706.07 and also requested that he consult with his supervisor. Entry was

still denied by the Examiner even though no new issues were raised and the Amendment indeed (and

in fact) narrowed the issues on appeal.

Thus, it appears that the Examiner believes that the limitations of canceled dependent claims

7 and 15, included in independent claims 1 and 14, do not further narrow the issues for appeal with

regards to dependent claims 2-6, 8-13, and 16-20. However, Appellant respectfully disagrees.

Specifically, the amendments to claims 1 and 14 do narrow and remove issues for appeal and,

3

as admitted by the Examiner above, <u>such features were in the claims earlier</u>. Thus, the amendments do not raise new issues requiring a further search and/or consideration by the Examiner and in fact narrow the issues on Appeal since the amendments serve to narrow the scope of the claims.

Referring to 37 CFR § 1.116 (a) which states *"[a]mendments presenting rejected claims in better form for consideration on appeal may be admitted"* provides a clear basis for entering the claim amendments as filed on October 16, 2000. Narrowing the issues for appeal by further limiting the claims with features <u>previously in the claims</u> does indeed place the claims *"in better form for consideration"*.

Specifically, the amendments to independent claims 1 and 14 do further narrow the issues for appeal with regards to all of the claims including dependent claims 2-6, 8-13, and 16-20. Thus, Appellant contends that the claims as amended were not given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.

For example, independent claim 1 now recites a central processing unit (CPU) with means for inputting lead selection parameters for operation upon by the CPU, CPU means responsive to an input user request comprising at least one of lead management data and lead selection parameters, generating information comprising at least one of a set of candidate leads and signification of a request; and means connected to the CPU for outputting the information to an output user interface. When the limitations of canceled claim 7 including <u>an input customer profile is selectively entered by an individual sales agent</u> and the <u>lead management capability supplies a best match output of said customer profile</u> are added, then independent claim 1 and dependent claims 2-6 and 8-13 are further narrowed (and distinguishable over the Melchione reference).

The Appellants, therefore, maintain that the amendments to claims 1 and 14 <u>do indeed</u>

<u>narrow and remove issues for appeal</u> and that <u>such features were in the claims earlier</u>. Thus, the

amendments do not raise new issues requiring a further search and/or consideration by the Examiner

and therefore should have been entered.

V.   SUMMARY OF THE INVENTION

The claimed invention as disclosed and claimed, for example, by independent claim 1, is

directed to a computerized integrated prospect (e.g., lead) selection and management system for

providing controlled access to multiple sales agents. The unique and inventive system <u>provides leads</u>

based upon <u>selected criteria to individual sales agents</u>.   Further, the <u>selected criteria is selectively</u>

<u>entered by an individual sales agent</u> who follows up on the lead. The lead management capability

<u>supplies a best match output of the customer profile</u>. See for example, page 7, lines 17-26 which

includes a discussion of a lead management capability including maintaining prospect data and

product information and scoring a prospect as a lead. On page 8, lines 1-26 there is described a lead

usage quota mechanism whereby a lead quantity, time interval, and availability to a user are

controlled. Further, on page 9, lines 1-5 a lead selection capability is described which provides

functions for retrieving prospect data per a user's lead selection preferences and choices. On page

11, lines 1-27, and page 12, lines 1-8 of the present application a description is provided of the

scenario shown in Figure 4E of lead feedback.

With such unique features, a quota mechanism can be enforced and the efficient use of leads

by sales agents is encouraged. Further, the leads are provided on an <u>exclusive basis</u> to prevent multiple sales agents from pursuing the same lead at the same time. Thus, an agent can be prevented from consuming an extraordinary number of good leads and data can be collected on the effectiveness of the leads pursued to further enhance the quality of the prospect information.

The system, as described for example on page 5, lines 5-25, includes a central processing unit (e.g., see Figures 1-3) accepting input from a plurality of user interface modules (e.g., user input/output devices). The CPU dispatches the input via a bidirectional communication link to a plurality of supplemental processing units each of which comprises one or more functional modules (e.g., as shown in Fig. 1 a system security module 18, a lead management module 20, a lead selection module 22, and a user profile management module 24). The supplemental processing units and the central processing unit are connectable to database storage devices.

Preferred aspects of the functional modules (e.g., see, for example, page 7, lines 17-26 and page 8, lines 1-4; and Fig. 1) are a lead management capability provided by a lead management module 20 for maintaining prospect data and product information including updating the data from external sources and scoring of each prospect. Further, the lead management capability includes a lead usage quota mechanism to control the availability of a lead to a particular user (e.g., see page 8, lines 4-26). The lead usage quota mechanism controls the number of leads granted to a user, access to the lead, the amount of time a user is allocated to pursue the lead.

Additionally, the functional modules include a lead selection module 22 which selects leads with the highest score in terms of leads that match the user defined selection parameters (see for example, page 9, lines 1-5 and 22-25; page 10, lines 1-6 and 18-25; page 11, lines 1-9; and Figures

6

1 and 4D).

As shown in Figure 4E (and as described in the specification on page 11, lines 11-27), the present invention provides for displaying current active leads to a user. The user is able to provide feedback on the displayed leads and to close leads which are no longer active. The system encourages users to actively close leads and provide feedback so that a user may have access to new leads meeting the user-defined parameters (see page 12, lines 1-8).

VI. ISSUES PRESENTED FOR REVIEW

Appellants present the following issue for review by the Board of Patent Appeals and Interferences:

  whether claims 1-6, 8-14, and 16-20 are anticipated by Melchione et al. (U.S. Patent No. 5,930,764) under 35 U.S.C. § 102(e).

VII. GROUPING OF THE CLAIMS

As supported by the following arguments, independent claim 1 (and dependent claims 2-6 and 8-13) and independent claim 14 (and dependent claims 16-20) do not stand or fall together.

Claim 1 recites

"a central processing unit (CPU);

at least one input user interface module connected to the CPU, at least one said module

7

comprising means for inputting lead management data for operation upon by the CPU, and means

for inputting lead selection parameters for operation upon by the CPU;

a set of functional modules to be executed by the CPU, wherein a first functional module

comprises a system security capability, a second functional module comprises a lead management

capability, and a third functional module comprises a lead selection capability;

CPU means responsive to an input user request comprising at least one of lead management

data and lead selection parameters, the CPU means responding to said request by executing at least

of one of the first, second, and third functional modules for generating information comprising at

least one of a set of candidate leads and signification of a request; and

means connected to the CPU for outputting the information to an output user interface,

wherein an input customer profile is selectively entered by an individual sales agent, and

wherein said lead management capability supplies a best match output of said customer

profile".

However, unlike independent claim 1, claim 14 does not recite "at least one input user

interface module connected to the CPU.......for operation upon by the CPU", "a set of functional

modules to be executed by the CPU, wherein a first functional module comprises a system security

capability, a second functional module comprises a lead management capability, and a third

functional module comprises a lead selection capability", "CPU means responsive to an input user

request comprising at least one of lead management data and lead selection parameters, the CPU

means responding to said request by executing at least of one of the first, second, and third functional

modules for generating information comprising at least one of a set of candidate leads and

signification of a request", "wherein an input customer profile is selectively entered by an individual sales agent", and "wherein said lead management capability supplies a best match output of said customer profile".

Instead, independent claim 14 requires the following (not found in independent claim 1) "means for inputting lead selection parameters <u>for searching said lead management data</u>, <u>means for updating and maintaining lead data from external sources</u>; and

<u>means for managing said lead data, said managing means comprising a lead usage quota mechanism for controlling a lead quantity, a lead usage time interval, and a lead availability to a selected user</u>,

wherein said CPU responds to a request for leads tailored to inputted selection parameters by <u>searching said lead management data</u> and outputting <u>selected</u> information to an output user interface".

Therefore, independent claims 1 and 14 are independently patentable and do not stand or fall together.

Additionally, each of the dependent claims is patentably distinct from the independent claims from which they depend. More specifically, dependent claims 2-6 and 8-13 are patentably distinct from independent claim 1. Further, dependent claims 16-20 are patentably distinct from independent claim 14.

VIII. ARGUMENT

A. THE EXAMINER'S POSITION ON THE ANTICIPATION ISSUE

The Examiner's position is that:

> *[As per claims 1, 4-6, 14] Melchionne (sic) et al teach a system comprising a central processing unit (CPU) (central micromarketing system) an input user interface module (workstation) with means (keyboard) for inputting lead management data (marketing information), means for inputting lead selection (marketing information selection) parameters for operation upon by the CPU (see abstract, fig 1, 2, 5a-5h, column 8 line 59-9 line 12) a plurality (sic) functional modules (functional workstations) (see fig 1, 2, column 15 lines 1-10) wherein a functional module comprises a system security capability (security system) (see column 16 line 65-17 line 17, column 27 line 49-61), a functional module comprises a lead management capability (marketing information selection) (see section on lead management system (column 37 lines 65-column 40 line 58) and a functional module comprises a lead selection capability (marketing selection) (see column 30 lines 36-39 and section on selection list or paths (column 30 line 67-column 33 line 29)).*

> *Melchionne (sic) et al further teach a CPU responding to input user (user such as bankers or agent, customer representative, or account representative) requests by generating information on candidate leads (customer marketing information) and signification of a request and means (monitor, fax, printer) connected to the CPU for outputting the information (see abstract, column 33 line 39-59, 34 lines 3-7, 35, lines 13-45, and claim 5).*

> *[As per claim 7] Melchionne (sic) et al teach a system wherein an input customer profile is entered.....(see column 6 lines 26-39,).*

> *[As per claim 15] Melchionne (sic) et al teach a system wherein the lead management capability....time (see column 16 lines 30-55).*

B.   APPELLANTS' POSITION ON ANTICIPATION

However, Appellants respectfully disagree and submit the claimed invention is not anticipated on the grounds discussed below. Indeed, Melchione, is very remote from the very specific limitations of the claimed invention. Specifically, as discussed in further detail below, there is no teaching or suggestion of <u>a central processing unit (CPU)</u> for operating upon inputted lead management data and lead selection parameters <u>nor</u> of an input customer profile being selectively entered by an individual sales agent.

1. INDEPENDENT CLAIM 1

Independent claim 1 recites a system comprising:

<u>a central processing unit (CPU)</u>;

at least one input user interface module <u>connected to the CPU</u>, at least one said module comprising <u>means for inputting lead management data for operation upon by the CPU</u>, and <u>means for inputting lead selection parameters for operation upon by the CPU</u>;

<u>a set of functional modules to be executed by the CPU</u>, wherein a first functional module comprises a system security capability, a second functional module comprises a lead management capability, and a third functional module comprises a lead selection capability;

<u>CPU means responsive to an input user request comprising at least one of lead management data and lead selection parameters</u>, the <u>CPU means responding to said request</u> by executing at least

of one of the first, second, and third functional modules for generating information comprising at

least one of a set of candidate leads and signification of a request; and

means connected to the CPU for outputting the information to an output user interface,

wherein an input customer profile is selectively entered by an individual sales agent, and

wherein said lead management capability supplies a best match output of said customer

profile.

First, the Examiner's position is flawed as a matter of law.

U.S. Patent No. 5,930,764 to Melchione et al, is relied upon for teaching a sales process

support system and method for identifying sales targets using a centralized database with a three-

level hierarchy based upon households, customers, and accounts. The system distributes sales leads

electronically to branch networks where the sales leads are used to target customers.

To reject the invention under 35 U.S.C. § 102(e), the Patent Office has the burden to

demonstrate that there is a teaching of every aspect of the claimed invention either explicitly or

impliedly in the reference.

However, the system of Melchione is not teaching or suggesting a central processing unit

(CPU), as claimed by independent claim 1, but only micromarketing centers 11 with micro

marketing workstations (e.g., see Fig. 1 and column 26, lines 55-59). Melchione therefore is not

teaching or suggesting a user interface module connected to the CPU, means for inputting lead

management data for operation upon by the CPU, means for inputting lead selection parameters for

operation upon by the CPU, and a set of functional modules to be executed by the CPU.

Further, Melchione does not teach or suggest CPU means responsive to an input user request

comprising at least one of lead management data and lead selection parameters, the <u>CPU means</u> responding to said request by <u>executing at least of one of the first, second, and third functional modules</u>, and <u>means connected to the CPU</u> for outputting the information to an output user interface.

Additionally, Melchione does not teach or suggest an input customer profile is selectively entered by <u>an individual sales agent</u>, and a lead management capability (e.g., of a second functional module to be executed by the CPU) supplies a best match output of said customer profile, as in the invention of claim 1. In the invention the leads are provided on an exclusive basis to prevent multiple sales agents from pursuing the same lead at the same time. Thus, an agent can be prevented from consuming an extraordinary number of good leads and data can be collected on the effectiveness of the leads pursued to further enhance the quality of the prospect information.

Therefore, Appellants maintain that the prior art rejection has not anticipated and, thus, the Examiner's rejection fails as a matter of law.

Second, the Examiner's position is <u>flawed as a matter of fact</u>.

The system as disclosed and claimed <u>provides leads</u> based upon <u>selected criteria to individual sales agents</u>. That is, when an agent decides to look for new customers, the agent can access the system and request <u>leads that best fit what he wants</u>. The system allows the individual sales agents to <u>selectively</u> input their individual preferences for the traits to be included in the sales leads they require for the type of products they intend to sell.

The claimed system will supply the leads which <u>best match the profile input by the sales agents</u>. The system delivers the leads to the user (e.g., a sales agent) per user request. A function of the lead management is to enforce a quota mechanism in order to encourage the efficient use of leads

by the sales agents, and an exclusivity rule to prevent leads being pursued by multiple agents at the same time.

A feature of the present invention as claimed in independent claims 1, lies in provision of a system that <u>provides leads</u> based upon <u>selected criteria to individual sales agents</u>. Further, the <u>selected criteria is selectively entered by an individual sales agent</u> who is following up on the lead. The lead management capability <u>supplies a best match output of the customer profile</u>.

In complete and fundamental contrast, Melchione teaches a system whereby <u>a branch office</u> (not the individual sales agent) decides on a sales campaign and <u>coordinates with a regional micromarketing center</u> to decide what leads the marketing personnel should get, and distributes such leads to them. In order to do so, the micromarketing center (not the individual sales agents!) works with branch managers to determine the profile of households most likely to purchase the products, and constructs specific queries to search and retrieve the records meeting such profile from the database. The resulting leads are sent to branch managers. Then, the branch managers "*assign the leads to the personal bankers most qualified to handle the leads, or based on the workload and availability of the personal bankers*" (e.g., see Melchione, column 9, lines 45-51).

Further, the Examiner has equated a central processing unit (CPU) of the present invention to a micromarketing center 11 of Melchione. However, even assuming (arguendo) that these two distinct elements could be equated, the micromarketing center 11 of Melchione fails to anticipate the present invention.

For example, the micromarketing center 11 is not executing a second functional module comprising a lead management capability as is the CPU of the invention. Instead in Melchione, the

lead management system is part of the CCIS 13 (e.g., see Melchione, column 37, lines 63-65), not

the micromarketing center 11. Thus, the micromarketing center 11, contrary to the Examiners's

basis for rejection, is not executing a second functional module comprising a lead management

capability.

Further, it is the branch managers who use a user profile to define personal banker

availability and product specialties. In Melchione, leads are created according to management

priorities and distributed to personal bankers based on preset priorities. Thus, in Melchione, an input

customer profile is not being selectively entered by an individual sales agent.

Thus, contrary to the Examiner's assertion, Melchione fails to anticipate the claimed

invention. Turning to the language of independent claim 1, there is no teaching or suggestion of "*[a]*

system comprising:

a central processing unit (CPU);

at least one input user interface module connected to the CPU, at least one said module

comprising means for inputting lead management data for operation upon by the CPU, and means

for inputting lead selection parameters for operation upon by the CPU;

a set of functional modules to be executed by the CPU, wherein a first functional module

comprises a system security capability, a second functional module comprises a lead management

capability, and a third functional module comprises a lead selection capability;

CPU means responsive to an input user request comprising at least one of lead management

data and lead selection parameters, the CPU means responding to said request by executing at least

of one of the first, second, and third functional modules for generating information comprising at

least one of a set of candidate leads and signification of a request; and

> *means connected to the CPU for outputting the information to an output user interface,*

> *wherein an input customer profile is selectively entered by an individual sales agent, and*

> *wherein said lead management capability supplies a best match output of said customer*

profile" (emphasis Appellant's).

Further, Appellant notes that, claim 1 includes a system having a plurality of structures claimed in means-plus-function format.

That is, Appellant notes that, inter alia, the inputting lead management data means, inputting lead selection parameters means, CPU means, and information outputting means of independent claim 1 were purposely drafted to incorporate "means-plus-function" terminology. The Federal Circuit has made it clear that paragraph 6 of 35 U.S.C. § 112 is to be interpreted literally to limit means-plus-function language to encompass structure disclosed in the specification and structural equivalents thereof. See, e.g., In re Donaldson Company, Inc., 29 U.S.P.Q. 2d 1845, (Fed. Cir. 1994) which prompted the PTO guidelines dated April 20, 1994 (1162 O.G. 59, published May 17, 1994) and most recently guidelines dated July 30, 1999 and published in the Federal Register.

The system of Melchione (and its attendant disclosure) neither teaches the specific structures of the inputting lead management data means, inputting lead selection parameters means, CPU means, and information outputting means of the invention, nor is such system a reasonable structural equivalent of the claimed the inputting lead management data means, inputting lead selection parameters means, CPU means, and information outputting means.

In view of the foregoing, independent claim 1 is not anticipated (or for that matter rendered

obvious) by Melchione.

2. INDEPENDENT CLAIM 14

Independent claim 14 recites a "lead management system comprising:

a central processing unit (CPU);

~~means connected to the CPU for inputting lead management data; and~~

means for inputting lead selection parameters for searching said lead management data;

means for updating and maintaining lead data from external sources; and

means for managing said lead data, said managing means comprising a lead usage quota

mechanism for controlling a lead quantity, a lead usage time interval, and a lead availability to a

selected user,

wherein said CPU responds to a request for leads tailored to inputted selection parameters

by searching said lead management data and outputting selected information to an output user

interface".

First, the Examiner's position is flawed as a matter of law.

As with independent claim 1, to reject the invention under 35 U.S.C. § 102(e), the Patent

Office has the burden to demonstrate that there is a teaching of every aspect of the claimed invention

either explicitly or impliedly in the reference.

However, the system of Melchione is not teaching or suggesting a central processing unit

(CPU), as claimed by independent claim 14. Melchione deals with a central database (e.g., see

Abstract), not a CPU.

Further, Melchione is not teaching or suggesting <u>means connected to the CPU for inputting</u> <u>lead management data,</u> managing means comprising <u>a lead usage quota mechanism for controlling</u> <u>a lead quantity, a lead usage time interval, and a lead availability to a selected user,</u> nor that the <u>CPU</u> <u>responds to a request for leads</u> tailored to inputted selection parameters by <u>searching</u> said lead management data <u>and outputting</u> selected information to an output user interface.

Therefore, Appellants maintain that the prior art rejection has not anticipated and, thus, the Examiner's rejection fails as a matter of law.

Second, the Examiner's position is <u>flawed as a matter of fact</u>.

In complete and fundamental contrast to the claimed invention, Melchione discloses a sales and marketing support system and method for identifying sales targets using a centralized database.

Briefly, a difference between Melchione and the lead management system of the present invention is that Melchione does not use a central processing unit (CPU) to search for lead management data and to output that data to a selected user.

In Melchione it is <u>a regional micromarketing center</u> which accesses the centralized database to generate lists of sales leads. Further, it is the regional micromarketing center which profiles the households to be selected as leads. In Melchione, it is the micromarketing center personnel which construct specific queries to search and retrieve the records from the centralized database. As noted previously, these leads are then distributed to branch managers in a branch network. In Melchione, the lead selection process is driven by branch management in communication with a regional micromarketing center, not by an individual sales agent.

18

In contrast, in the present invention <u>a central processing unit (CPU)</u> is directly accessed by an individual sales agent to search for lead management data. The individual sales agents input their own criteria to select leads.

Further, and similar to claim 1, Appellant notes that, claim 14 includes a system having a plurality of structures claimed in means-plus-function format.

That is, Appellant notes that, <u>inter alia</u>, the inputting lead management data means, inputting lead selection parameters means, updating means, and managing means of independent claim 14 were purposely drafted to incorporate "<u>means-plus-function</u>" terminology. The Federal Circuit has made it clear that paragraph 6 of 35 U.S.C. § 112 is to be interpreted literally to limit means-plus-function language to encompass structure disclosed in the specification and structural equivalents thereof. <u>See</u>, e.g., <u>In re Donaldson Company, Inc.</u>, 29 U.S.P.Q. 2d 1845, (Fed. Cir. 1994) which prompted the PTO guidelines dated April 20, 1994 (1162 O.G. 59, published May 17, 1994) and most recently guidelines dated July 30, 1999 and published in the Federal Register.

The system of Melchione (and its attendant disclosure) neither teaches the specific structures of the inputting lead management data means, inputting lead selection parameters means, updating means, and managing means of the invention, nor is such system a reasonable structural equivalent of the claimed the inputting lead management data means, inputting lead selection parameters means, updating means, and managing means.

Therefore claim 14, is not anticipated (or rendered obvious) by Melchione

3. DEPENDENT CLAIMS

While independent claims 1 and 14 are patentable over Melchione, as discussed above, dependent claims 2-6, 8-13, and 16-20 are patentably distinct over their respective independent claims 1 and 14, as these claims recite elements not found and are patentably significant over the limitation of their respective independent claims.

For example, claim 2 recites "*wherein the CPU comprises a microprocessor*". The Examiner alleges that "*Melchione et al teach a system comprising a central processing unit (CPU) (central micromarketing system) comprises a microprocessor (see (see abstract, fig 1, 2, 5a-5h, column 8 line 59-9 line 12)*".

However, contrary to the Examiner's assertion, there is no teaching of a central processing unit (CPU), only of a regional micromarketing center. Further, there is no disclosure in Melchione of a microprocessor. Therefore, there is no teaching of "*wherein the CPU comprises a microprocessor*" as recited by dependent claim 2.

Regarding dependent claim 6, claim 6 recites "*wherein the means connected to the CPU for outputting the information comprises means for outputting to a facsimile*". In this regard, Melchione is completely silent.

Dependent claim 8 (e.g., and substantially similarly dependent claims 19 and 20), recites "*wherein said lead selection capability is for supporting a sales agent and to provide leads on an as-needed basis such that when said agent looks for new customers, said agent inputs through said means for inputting lead selection parameters for requesting leads that best fit what said agent*

20

desires". As explained above, in the present invention the claimed system will supply the leads which <u>best match the profile input by the sales agents</u>. In contrast, in Melchione, <u>individual sales agents are not entering their own criteria to select leads</u>. Instead, input is performed by a removed, remote third party (e.g., the micromarketing centers).

Regarding dependent claim 9 (and similarly claims 10 and 12), claim 9 recites "*wherein said means for inputting lead selection parameters allow said user to input the user's individual preferences for traits to be associated with the leads said user requires for a type of products to be marketed*". However, in Melchione the user (e.g, the personal bankers) do <u>not</u> input their individual preferences for traits to be associated with the leads.

Instead, Melchione teaches a system where <u>a branch office</u> decides on a sales campaign, <u>coordinates with a regional micromarketing center</u> to decide what leads the personal bankers will get, and distributes the resultant leads to them. It is the micromarketing center and the branch managers who determine the customer profile most likely to purchase the products, and it is they who construct specific queries to search and retrieve the records meeting such a profile.

Thus, all of the dependent claims are patentable not only by virtue of their dependency from their respective independent claims, bust also for the additional limitations which they require.
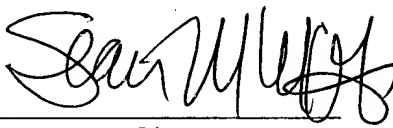
IX. CONCLUSION

In view of the foregoing, Appellants submit that claims 1-6, 8-14, and 16-20, all the claims presently pending in the application, are sufficiently enabled and are clearly and patentably distinct form the prior art of record and in condition for allowance. Thus, the Board is respectfully requested to remove all rejections of claims 1-6, 8-14, and 16-20.

Please charge any deficiencies and/or credit any overpayments necessary to enter this paper to Assignee's Deposit Account number 50-0510.

Respectfully submitted,

Sean M. McGinn
Reg. No. 34,386

Dated: 2/15/01

McGinn & Gibb, P.C.
8231 Old Courthouse Road, Suite 200
Vienna, VA 22882-3817
(703) 761-4100
Customer Number: 21254

APPENDIX

1. A system comprising:

    a central processing unit (CPU);

    at least one input user interface module connected to the CPU, at least one of said modules comprising means for inputting lead management data for operation upon by the CPU, and means for inputting lead selection parameters for operation upon by the CPU;

    a set of functional modules to be executed by the CPU, wherein a first functional module comprises a system security capability, a second functional module comprises a lead management capability, and a third functional module comprises a lead selection capability;

    CPU means responsive to an input user request comprising at least one of lead management data and lead selection parameters, the CPU means responding to said request by executing at least of one of the first, second, and third functional modules for generating information comprising at least one of a set of candidate leads and signification of a request; and

        means connected to the CPU for outputting the information to an output user interface, wherein an input customer profile is selectively entered by an individual sales agent, and wherein said lead management capability supplies a best match output of said customer profile.

2. The system according to claim 1, wherein the CPU comprises a microprocessor.

3. The system according to claim 1, wherein the at least one user interface module comprises a remote access terminal.

4. The system according to claim 1, further comprising a fourth functional module comprising a user profile management capability.

5. The system according to claim 4, wherein the CPU means responds to said request by executing at least one of first, second, third, and fourth functional modules.

6. The system according to claim 1, wherein the means connected to the CPU for outputting the information comprises means for outputting to a facsimile.

8. The system according to claim 1, wherein said lead selection capability is for supporting a sales agent and to provide leads on an as-needed basis such that when said agent looks for new customers, said agent inputs through said means for inputting lead selection parameters for requesting leads that best fit what said agent desires.

9. The system according to claim 1, wherein said means for inputting lead selection parameters allow said user to input the user's individual preferences for traits to be associated with the leads said user requires for a type of products to be marketed.

10. The system according to claim 1, wherein said lead selection capability supplies the leads which best match a profile input by a user and based on said user's request.

11. The system according to claim 1, wherein said lead management capability includes a quota mechanism for providing use of the leads by the user, and an exclusivity rule for prevent leads being pursued by multiple users at a same time.

12. The system according to claim 1, wherein a user enters its own criteria to said at least one input user interface module to select leads.

13. The system according to claim 1, further comprising:

means, based on user input through said at least one input user interface module, for providing feedback to said CPU means, on the leads processed by said user, thereby to refine a scoring mechanism to improve quality of leads received by said user in the future.

14. A lead management system comprising:

a central processing unit (CPU);

means connected to the CPU for inputting lead management data; and

means for inputting lead selection parameters for searching said lead management data;

means for updating and maintaining lead data from external sources; and

means for managing said lead data, said managing means comprising a lead usage quota mechanism for controlling a lead quantity, a lead usage time interval, and a lead availability to a selected user, -

wherein said CPU responds to a request for leads tailored to inputted selection parameters by searching said lead management data and outputting selected information to an output user interface.

16. The lead management system, as claimed in claim 14, wherein said lead usage quota mechanism grants a user a predetermined number of leads during said lead usage time interval.

17. The lead management system, as claimed in claim 16, wherein said lead usage quota

mechanism conceals from other users said lead data during said lead usage time interval.

18. The lead management system, as claimed in claim 14, further comprising:

    means for enforcing predetermined business rule parameters,

    wherein said business rule parameters comprise a time interval for a selected lead in which no client contact is initiated.

19. The lead management system according to claim 14, wherein an input customer profile is selectively entered by an individual sales agent, and said lead management capability supplies a best match output of a customer profile.

20. The lead management system according to claim 14, wherein said lead selection capability is for supporting a sales agent and to provide leads on an as-needed basis such that when said agent looks for new customers, said agent inputs through said means for inputting lead selection parameters for requesting leads that best fit what said agent desires.

TRANSMITTAL OF APPEAL BRIEF (Large Entity)	Docket No. Y0997-451

In Re Application Of: **Anderson, et al.**

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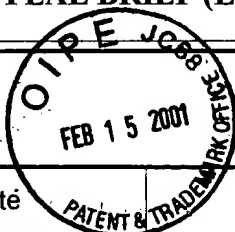
Serial No. 09/009,083	Filing Date January 20, 1998	Examiner Backer, F.	Group Art Unit 2781

Invention: **QUALIFIED AND TARGETED LEAD SELECTION AND DELIVERY SYSTEM**
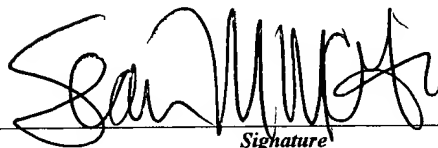
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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on

December 15, 2000

The fee for filing this Appeal Brief is: **$310.00**

☐   A check in the amount of the fee is enclosed.

☒   The Commissioner has already been authorized to charge fees in this application to a Deposit Account. A duplicate copy of this sheet is enclosed.

☒   The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-0510**
A duplicate copy of this sheet is enclosed.

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Dated: **February 15, 2001**

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